

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Princeton Thrower,)
)
)
Plaintiff,)
v.) Civil Action No. 0:15-cv-01955-JMC
)
)
Robert Stevenson, *Warden*,) **ORDER**
)
)
Defendant.)
)

This matter is before the court on Petitioner Princeton Thrower's ("Petitioner") Objections to the Report ("Objections"), filed on August 31, 2016, to the court's order adopting a Magistrate Judge's Report and Recommendation ("Report"). (ECF No. 54.) On July 1, 2016, a Magistrate Judge issued a Report and Recommendation ("Report") recommending that Respondent's Motion for Summary Judgment, (ECF No. 29), be granted and Petitioner's Petition for Writ of Habeas Corpus be denied. (ECF No. 1.) The Magistrate Judge ruled that Petitioner "failed to demonstrate that the PCR court's finding is contrary to, or an unreasonable application of, clearly established federal law, or an unreasonable determination of the facts." (ECF No. 39 at 13.) Furthermore, the Magistrate Judge ruled that Petitioner failed to provide argument as to why his plea counsel should have obtained a second evaluation after the first evaluation determined that he was competent to assist in his defense. *Id.*

The court docket shows that the Report was mailed to Petitioner on July 1, 2016. (ECF No. 40.) The Magistrate Judge advised Petitioner of his right to file an objection to the Report by July 18, 2016. (ECF No. 39.) Petitioner requested an initial extension of time to file objections to the Report (ECF No. 41), and this court granted Petitioner's Motion for Extension of Time to file objections to the Report by July 29, 2016. (ECF No. 42.) Petitioner requested a second extension

of time to file objections to the Report (ECF No. 45), and this court granted Petitioner's Motion for Extension of Time to file objections to the Report by August 24, 2016. (ECF No. 47.) Petitioner subsequently submitted Objections to the Report on August 31, 2016, a week after the latest deadline. (ECF No. 54.) Because the court previously granted Petitioner's Motion for Extension of Time to file objections to the Report, (ECF Nos. 42 and 47), and Petitioner has not shown good cause for his failure to file Objections, Petitioner's Motion for Reconsideration is **DENIED** as untimely.

On September 14, 2016, Petitioner filed a Motion for Reconsideration ("Motion") (ECF No. 55) of the court's order adopting the Report (ECF No. 51) alleging that he is currently incarcerated at Broad River Correctional Institution, a South Carolina Department of Corrections state prison located in Columbia, South Carolina, and that the general population had allegedly been on an Institutional Lock-Down, thus preventing him from getting to the mail room on time in order to send a response to the Report by the final extended deadline.

Even if the court considers Petitioner's Objections, a court may alter or amend a judgment only if the movant shows either (1) an intervening change in the controlling law; (2) new evidence that was not available at trial; or (3) that there has been a clear error of law or a manifest injustice. *See Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 407 (4th Cir. 2010). In his Motion, Petitioner fails to demonstrate a change in law, or a new evidence. Additionally, Petitioner has not shown that he will suffer a manifest injustice as a result of the court's order (ECF No. 51) or that the court's order was a clear error of law. *Id.* While Petitioner claims that an Institution Lock-down prevented him from mailing his objections to the Report before the final extended deadline, there is no manifest injustice in dismissing Petitioner's Motion as his Petition for Writ of Habeas Corpus has been addressed in a previous court order. (ECF No. 51.)

Therefore, the court **DENIES** Petitioner's Motion for Reconsideration (ECF No. 55) of the court's order denying Petitioner's Petition for Writ of Habeas Corpus (ECF No. #1) and granting Respondent's Motion for Summary Judgment (ECF No. 29.)

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "J. Michelle Childs".

United States District Judge

April 11, 2017
Greenville, South Carolina